IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

| JAMES TURPIN, |) | |
|-------------------------------------|---|------------------|
| DI 1 1100 |) | |
| Plaintiff, |) | |
| vs. |) | NO. CIV-07-575-D |
| |) | |
| MICHAEL J. ASTRUE, Commissioner of |) | |
| the Social Security Administration, |) | |
| |) | |
| Defendant. | | |
| | | |

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the decision of the Commissioner of the Social Security Administration denying plaintiff's application for disability benefits. The matter was referred to United States Magistrate Judge Robert E. Bacharach for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B). The parties fully briefed their respective positions and, on December 13, 2007, the Magistrate Judge filed a Report and Recommendation [Doc. No. 20] in which he recommended that the decision of the Commissioner be reversed and the matter remanded for further proceedings.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to same and scheduled a January 2, 2008 deadline for filing objections. The Magistrate Judge further admonished the parties that a failure to timely object would constitute a waiver of the right to appeal. The deadline for filing objections has expired; to date, neither party has filed an objection or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 20] is adopted as though fully set forth herein.

Case 5:07-cv-00575-D Document 21 Filed 01/18/08 Page 2 of 3

In accordance with the foregoing, the decision of the Commissioner denying plaintiff's application for disability benefits is REVERSED, and this matter is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. §405(g).

IT IS SO ORDERED this <u>18th</u> day of January, 2008.

TIMOTHY D. DEGIUSTI

UNITED STATES DISTRICT JUDGE